



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Joe

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,212	01/14/2005	Jean-Marie Adam	EL/2-22719/A/PCT	3742

324 7590 08/13/2007
CIBA SPECIALTY CHEMICALS CORPORATION
PATENT DEPARTMENT
540 WHITE PLAINS RD
P O BOX 2005
TARRYTOWN, NY 10591-9005

EXAMINER

CHUNG, SUSANNAH LEE

ART UNIT PAPER NUMBER

1626

MAIL DATE DELIVERY MODE

08/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/522,212	ADAM ET AL.	
	Examiner	Art Unit	
	Susannah Chung	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-14 are currently pending in the instant application and are subject to the following new lack of unity requirement.

Election/Restrictions

Restriction is required under 35 U.S.C. 372.

Lack of Unity Requirement

Claims 1-14 are drawn to more than one inventive concept (as defined by PCT Rule 13), and accordingly, a restriction is required according to the provision of PCT Rule 13.2

PCT Rule 13.2 states that the international application shall relate to one invention only or to a group of inventions so linked as to form a general inventive concept (requirement of unity of invention).

PCT Rule 13.2 states that unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.

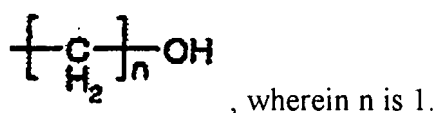
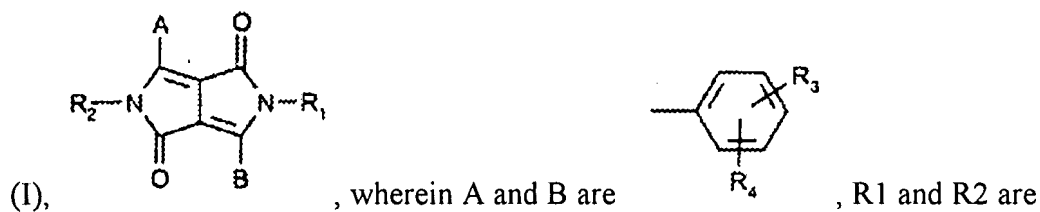
Annex B, Part 1(b), provides that “special technical features” mean those technical features, which, as a whole, define a contribution over the prior art.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

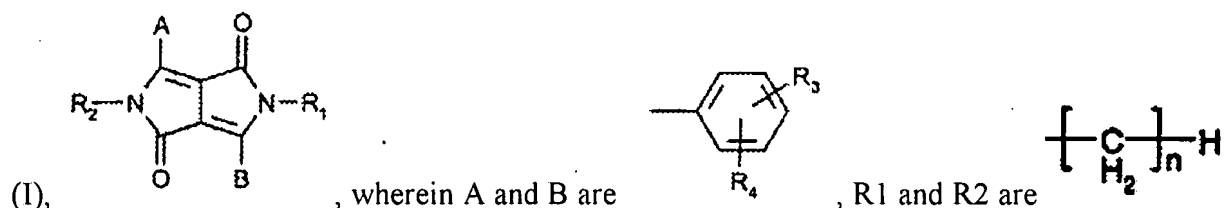
In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted. The following groups are exemplary:

Art Unit: 1626

Group I: Claims 1-3, 11, and 12 drawn to a colour filter comprising a transparent substrate and a layer comprising from 1 to 75% by weight, of a diketopyrrolopyrrole of formula

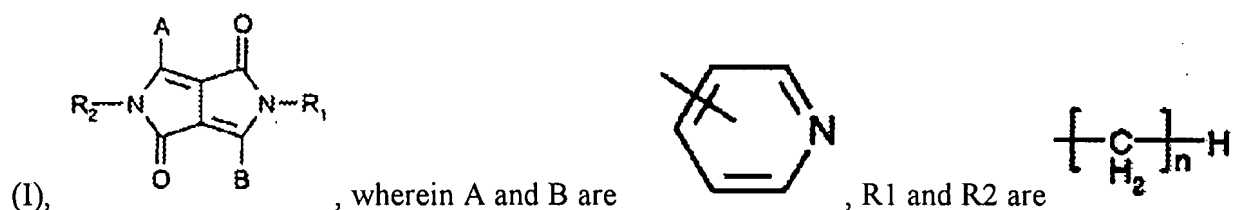


Group II: Claims 1-3, 11, and 12 drawn to a colour filter comprising a transparent substrate and a layer comprising from 1 to 75% by weight, of a diketopyrrolopyrrole of formula



wherein n is 1.

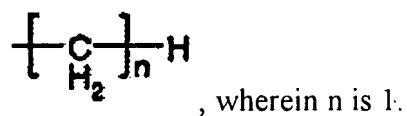
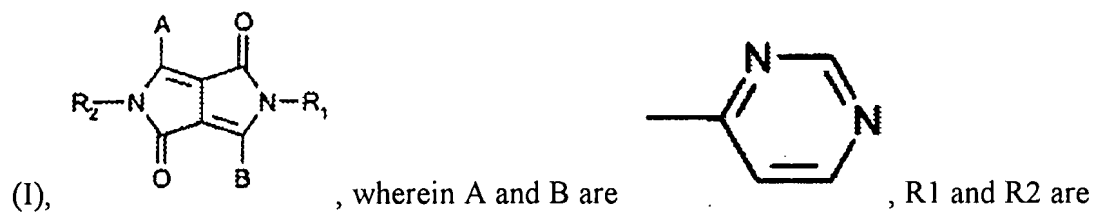
Group III: Claims 1-3, 11, and 12 drawn to a colour filter comprising a transparent substrate and a layer comprising from 1 to 75% by weight, of a diketopyrrolopyrrole of formula



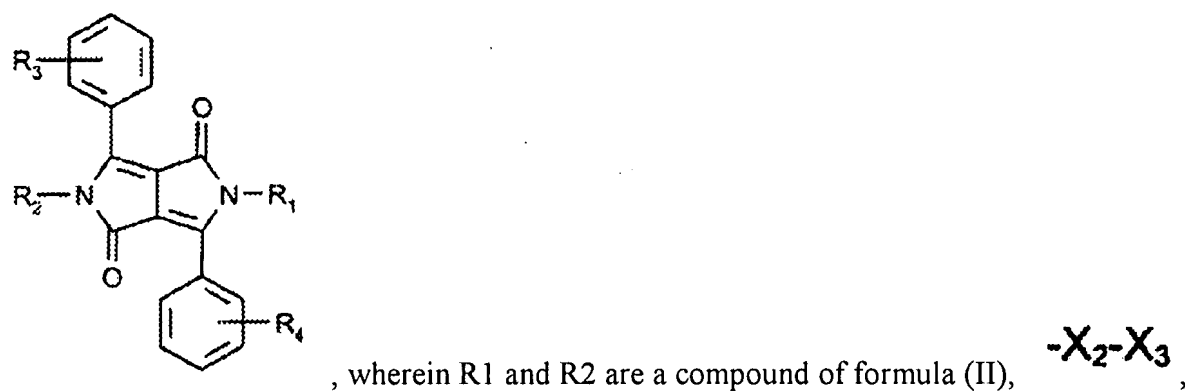
wherein n is 1.

Group IV: Claims 1-3, 11, and 12 drawn to a colour filter comprising a transparent substrate and a layer comprising from 1 to 75% by weight, of a diketopyrrolopyrrole of formula

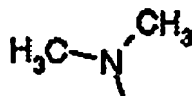
Art Unit: 1626



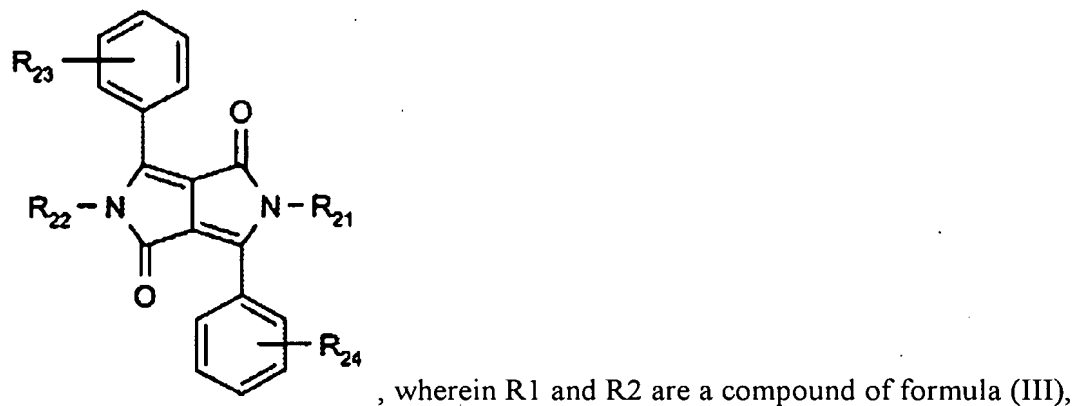
Group V: Claims 4-6, and 13 drawn to a diketopyrrolopyrrole of formula (IV),



wherein X2-X3 is CH2-NH2, wherein R3 and R4 are

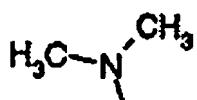


Group VI: Claims 7-9, and 14 drawn to a diketopyrrolopyrrole of formula (IV),



Art Unit: 1626

$-X_1-X_2-X_3$, wherein $X_1-X_2-X_3$ is $O-CH_2-NH_2$, wherein R_3 and R_4 are



Group VII: Claim 10 drawn to a polymer by polyreacting a mixture consisting of the components of a diketopyrrolopyrrole of formula (IV) or (V).

The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature for the following reasons: they do not share the same essential structural element(s) that define the “special technical feature” necessary to specify a contribution over the prior art.

The structural moiety common to Groups I-VII is the diketopyrrolopyrrole moiety, which is known in the art (see U.S. Pat. Num. 5,750,723, Column 21, Claim 1) and therefore, cannot be said the special technical feature, which makes a contribution over the prior art. All other substituents differ structurally from one another. In addition, the various process claims all require different reactants and/or reagents and/or reaction conditions and/or products. Thus, these claims lack the corresponding special technical feature(s) necessary to link them together to fulfill the lack of unity invention requirement.

A telephone call was made to Attorney Tyler Stevenson on 08/7/2007 to request an oral election to the above restriction requirement, but did not result in an election being made.

Art Unit: 1626

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susannah Chung whose telephone number is (571) 272-6098.

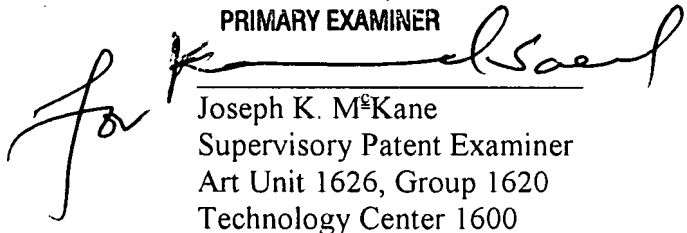
The examiner can normally be reached on M-F, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLC

KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER

for Joseph K. McKane
Supervisory Patent Examiner
Art Unit 1626, Group 1620
Technology Center 1600

Date: 9 August 2007